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Blue Ribbon Commission for America's Nuclear Future
c/o Department of Energy
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Brief summary of my opening remarks for 1 February 2011

We begin with a culture of distrust:

The questions on the agenda for today ask about technical concerns (how to run the process). While this is important, it is essential to realize that there is a larger problem of an institutional culture of **distrust**. The best technique will fail if it is carried out in the wrong way.

The current state of affairs can be characterized as a deep legacy of distrust of the DOE and the NRC in many communities. This is a consequence of the behavior and policies of these organizations and is correctable. Not all agencies have this problem. For example, community trust in ATSDR and CDC is high, even in affected nuclear communities.

Everything that happens in this process affects public trust in DOE. There is no policy decision or action that is unimportant when it comes to trust. Individuals also matter.

Improving trust in DOE can occur, but over time. DOE must act in a consistent, competent, caring, and predictable manner. It must be fully open and transparent about everything. If not, public trust will decline further. Losing trust is a rapid process. Rebuilding trust is a gradual process, like a locomotive pulling freight up hill.

There are two ways to be transparent and open: a passive way and an active way. The passive way is one where the agency simply makes documents available ("they are here if you really want them"). The active way means reaching out and actively educating and informing people.

A terrific example of building trust through active engagement and openness comes from BNL when John Marburger took over as lab director there in 1998. He *actively* reached out to his most outspoken and radical opponents. He held open "office hours" one day a

week, an open invitation to the community. People could use that time to ask him any question they wanted and he gave them full answers. In return, he asked them what they wanted of BNL. This led to shutting down the high flux reactor and certifying the Lab to 14001 standards. It also led to a complete turn around in stakeholder attitudes toward the Lab.

What helps build trust?

- Consistent personnel appointments (and open access to them)
- Commitment to consistent policy objectives
- Behavior that is consistent with policy and promises
- Individuals in DOE and DOE itself make it evident that DOE is putting public health and safety first, even if it is not in the interests of the nuclear industry (DOE and its staff show that they care about people)
- Competent science (which is validated by peer review of scientists who reveal any possible conflicts of interest)
- Complete transparency about everything

With regard to the technique of the siting process:

What leads to social **legitimacy**? What causes people to accept a decision, even if they do not like the decision or will be negatively impacted by it? What we know is that, in some instances, a *fair process effect* has been found. If people feel they were treated fairly, they are more willing to accept the decision. What we don't know is:

- will this apply to decisions about siting a nuclear waste repository?
- how does a person come to decide whether or not they were treated fairly?

We also know that not everyone is primarily concerned with **fairness**. Some people are more interested in technological competence (getting the science right) and decision efficiency.

Consequently, we can't say for sure "do x y z" and you will get legitimacy. However, we do know that fairness is associated with the following things:

- there is widespread access to participation
- when participating, people get the chance to engage in *real dialogue* with significant officials
- people can see how their input was heard and considered

These are things that people associate with **unfairness**:

- biased facilitator
- illegitimate or arbitrary limitations on what can be discussed and when
- predetermined timetable
- selective participation requirements (litmus test, random selection, physical accessibility...)

Real and honest, open **dialogue** is recognized as a feature of successful public engagement in many areas of decision making. To do it correctly, institutions need to make changes in their institutional culture. It does not mean being committed to consensus, it does not mean putting legal decision making authority in the hands of arbitrary stakeholders. What it does mean is:

- providing sufficient venues for people to express themselves
- really listening to people's concerns
- listening to their knowledge and experience
- trying to take what they say and use it to improve the public decisions (social learning)
- explaining to people how what they contributed was considered and why or why it was not used (public accountability)

Any process will need to recognize that different people have different expectations of the process. Reaching clarity and agreement on what the process principles are should be a core activity.

An **adaptive-staged process** would more likely produce legitimacy than a linear process. It would minimize waste (by excluding sites at appropriate points) and promote a process that is based on cumulative learning. The staged model also recognizes that people have an hierarchy of goals. Number one is always that the site be technically competent, safe, implementable, and operationable. Once that is proven, people are very concerned about equity. Equity concerns not just within the host community, but also the transit communities, the waste source communities, and electricity benefactors.

The other important quality of an adaptive staged process is flexibility and adaptability. This process must satisfy public reason. It is not reasonable to march according to an arbitrary timetable if the objectives along the way are not being achieved. When complications arise, the process must adapt. It is extremely important to have principles, and to gain public support and endorsement and buy-in to those principles. Those principles will guide judgment used to adapt the process.

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